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RESOLUTION NO. 09-170

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF LATERAL 420, FOUR MILE CREEK SEWER (WEST OF 127TH ST. EAST, SOUTH OF KELLOGG) 468-84603 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF THE CONSTRUCTION OF LATERAL 420, FOUR MILE CREEK SEWER (WEST OF 127TH ST. EAST, SOUTH OF KELLOGG) 468-84603 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Lateral 420, Four Mile Creek Sewer (west of 127th St. East, south of Kellogg) 468-84603.

Said sanitary sewer shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Twenty Thousand Dollars (\$20,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after April 1, 2009, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

SECOND EAST 54 ADDITION

Tract A – That part of Lot 1, Block A, Second East 54 Addition, Sedgwick County, Kansas, being described as follows:

BEGINNING at the southeast corner of said addition; thence north along the east line of said Lot, 306.4 feet; thence west parallel with the south line of said Lot, 687.34 feet; thence southeasterly, 386.77 feet to a point on the south line of said Lot, said point being 450 feet west of beginning; thence east 450 feet to BEGINNING, EXCEPT, The north 200.00 feet of the east 250.00 feet of thereof.

Tract B - The north 200.00 feet of the east 250.00 of that part of Lot 1, Block A, Second East 54 Addition, Sedgwick County, Kansas, being described as follows:

BEGINNING at the southeast corner of said addition; thence north along the east line of said Lot, 306.4 feet; thence west parallel with the south line of said Lot, 687.34 feet; thence southeasterly, 386.77 feet to a point on the south line of said Lot, said point being 450 feet west of beginning; thence east 450 feet to BEGINNING.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Tract A within SECOND EAST 54 ADDITION shall pay 80% of the total cost payable by the improvement district. Tract B within SECOND EAST 54 ADDITION shall pay 20% of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are re-platted before assessments have been levied, the assessments against the re-platted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6 That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 9<sup>th</sup> day of June, 2009.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)